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10/828,470	04/21/2004	Tomotoshi Kanatsu	00862.023668.	5344
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LOVEL, KIMBERLY M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/828,470

Applicant(s)

KANATSU, TOMOTOSHI

Examiner

KIMBERLY LOVEL

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5, 7, 8, 10, 13-16 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7, 8, 10, 13-16 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3-5, 7, 8, 10-16 and 19 are rejected and claims 2, 6, 9, 17 and 18 are cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 July 2009 has been entered.

Claim Objections

3. Claims 1 and 16 are objected to because of the following informalities:
Lines 2 and 4 of claims 1 and 16 each recite the limitation "scans an original." It is unclear exactly what an original refers to. It is suggested that the Applicant amend the limitation to recite "scans an original document."
Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The rejections of claims 1 and 16-18 under 35 U.S.C. 112, first paragraph, are withdrawn as necessitated by amendment.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 3-5, 7, 8, 10, 13, 15, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 5,911,139 to Jain et al (hereafter Jain et al) in view of US PGPub 2002/0106135 to Iwane (hereafter Iwane) in view of US Patent No 6,961,463 to Loui et al (hereafter Loui) in view of US PGPub 2002/0176116 to Rhodes et al (hereafter Rhodes) in view of US Patent No 7,127,106 to Neil et al (hereafter Neil) in view of US PGPub 2005/0055344 to Liu et al (hereafter Liu).**

Referring to claim 1, Jain discloses an image processing method executed by an image processing apparatus having a scan function which scans an original, the method comprising the steps of:

(a) scanning the original to generate an input image [device includes a scanner; insertion module] (see column 10, lines 18-19 and column 9, lines 16-36);

(b) acquiring first search information [alpha-numeric query] associated with the input image on the basis of search information input by a user (see column 9, lines 11-15);

(c) acquiring feature data [feature vector] contained in the input image as second search information (see column 9, lines 45-48);

(d) searching for an original data file corresponding to the input image in the database by using the first [alpha-numeric query] and second [feature vector] search information (see column 9, lines 52-67); and

(e) converting the input image into data [vector data] and storing the data in the database [database 132] (Jain: see column 9, lines 40-52).

However, Jain et al fails to explicitly disclose the further limitation of the data in step (e) being outline data and wherein the outline data indicates a visual representation of a tracing of the outline of a character or a graphic object. Iwane discloses obtaining an input image and then generating image information in order to compare objects (see abstract), including the further limitation of converting the input image into outline data and storing the outline data in the database (see [0244]), wherein the outline data indicates a visual representation of a tracing of the outline of a character or a graphic object (see [0173]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the outlining method of Iwane in order to gather the feature information stored by Jain. One would have been motivated to do so in order to be able to extract features from an image in a case where OCR is not a viable solution (Iwane: see [0010]-[0012]).

However, the combination of Jain and Iwane (hereafter Jain/Iwane) fails to explicitly disclose the further limitation of (e) wherein the image is only stored in a case where the original file corresponding to the input is not found in said step

(d); and (f) declining to store the input image data into the database, in a case that the image file corresponding to the input image is found in said step (d). Loui discloses a duplicate detection algorithm to determine whether two pictures are so similar that a consumer would only put one of them in the album [database], including the further limitations of wherein the image is only stored in a case where the image file corresponding to the input is not found in said step (d); and (f) declining to store the input image data into the database, in a case that the image file corresponding to the input image is found in said step (d) (see column 4, lines 11-51) since the concept of storing only one copy of an image increases storage efficiency and search efficiency.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the duplicate detection algorithm of Loui with the storage system of Jain/Iwane. One would have been motivated to do since the methodology of Loui can be embodied in any different types of systems (Loui: see column 7, lines 13-24) and since the concept of storing only one copy of an image increases storage efficiency and search efficiency.

The combination of Jain/Iwane and Loui (hereafter Jane/Iwane/Loui) fails to explicitly disclose the further limitations of attempting to detect pointer information from the input image indicating a storage location of an original data file in the database and using the pointer information in a case that the pointer information is detected. Rhodes discloses embedding watermarks into images (see abstract), including the further limitations of attempting to detect pointer information [watermark readers perform this function] from the input image

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indicating a storage location of an original data file in the database and using the pointer information in a case that the pointer information is detected [carry a pointer or network address to its electronic original] (see [0024] and [0043]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to first attempt to search for a watermark pointing to the location of an original file as disclosed by Rhodes before searching for the file utilizing the search features of Jain/Iwane/Loui. One would have been motivated to do so in order to increase the efficiency and accuracy of the searching process since a pointer links directly to the original file.

The combination of Jain/Iwane/Loui and Rhodes (hereafter Jain/Iwane/Loui/Rhodes) fails to explicitly disclose the further limitation of (g) registering the information input by the user in step (b) in an index file regardless of whether the original data file corresponding to the input image is or is not found in step (d), wherein the index file of registered search information input by the user is used in the next search for the original data file. Neil discloses image processing (see abstract and Fig 5), including the further limitation of (f) registering the information input by the user in step (a) [text annotation] and the feature data [visual features] acquired in step (b) in an index file [images may be indexed based on visual features, text annotation, assigned subjects or image types] (see column 1, lines 65-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the step of Neil to index the database of Jain/Iwane/Loui/Rhodes. One would have been motivated to do so since it is

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well-known in the art that the use of an index increases the speed and efficiency of a search while decreasing resource costs.

The combination of Jain/Iwane/Loui/Rhodes and Neil (hereafter Jain/Iwane/Loui/Rhodes/Neil) fails to explicitly disclose the further limitation of the index, wherein the index file is used in a next search for the original data file. Liu discloses an image retrieval system that allows a user to specify a query using a combination of keywords and example images (see [0018]) including the further limitation of wherein the index file of registered search information input by the user is used in a next search for the original data file [another approach to incorporate additional keywords into the system is to utilize the user's input queries; whenever, the user feeds back a set of images marked as being irrelevant to the query, the input keywords are added into the system and linked with images in the set] (see [0049]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the use of linking user submitted keywords as disclosed by Liu to the index of Jain/Iwane/Loui/Rhodes/Neil. One would have been motivated to do so since it is well-known in the art that the use of an index increases the speed and efficiency of a search while decreasing resource costs.

Referring to claim 3, Jain/Iwane/Loui/Rhodes/Neil/Liu discloses the method according to claim 1, wherein the first search information comprises a keyword [keywords] for searching using the input image (Jain: see Fig 3, item 201 and column 9, lines 11-15).

Referring to claim 4, Jain/Iwane/Loui/Rhodes/Neil/Liu discloses the method according to claim 1, wherein the first search information comprises a data size [file size] of the original data file (Jain: see Fig 3, item 201 and column 9, lines 11-15).

Referring to claim 5, Jain/Iwane/Loui/Rhodes/Neil/Liu discloses the method according to claim 1, wherein the first search information comprises date information [File Date] of the original data file (Jain: see Fig 3, item 201 and column 9, lines 11-15).

Referring to claim 7, Jain/Iwane/Loui/Rhodes/Neil/Liu discloses the method according to claim 1, wherein the second search information comprises a character code of a character recognition [face recognition] result which is obtained by performing a character recognition process with respect to a character region in the input image (Jain: see column 25, lines 31-41).

Referring to claim 8, Jain/Iwane/Loui/Rhodes/Neil/Liu discloses the method according to claim 1, wherein the second search information comprises feature data of each block obtained by the region segmentation of the input image (Jain: see column 9, lines 45-67).

Referring to claim 10, Jain/Iwane/Loui/Rhodes/Neil/Liu discloses the method according to claim 1, further comprising the step of: converting the input image, which has been converted into the vector data, into data in a format which can be handled by application software (Jain: see column 31, lines 12-14).

Referring to claim 13, Jain/Iwane/Loui/Rhodes/Neil/Liu discloses the method according to claim 1, further comprising the step of: outputting the

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original data file, wherein new pointer information is added to the original data file (Jain: see column 14, lines 7-19; Rhodes: see [0022]).

Referring to claim 14, Jain/Iwane/Loui/Rhodes/Neil/Liu discloses the method according to claim 13, wherein the new pointer information is added as a digital watermark to the original data file (Rhodes: see [0022]).

Referring to claim 15, Jain/Iwane/Loui/Rhodes/Neil/Liu discloses the method according to claim 1, wherein in the step (d), the original data file is searched for by using at least one of keyword search [keywords], full-text search, and layout search (Jain: see Fig 3, item 201 and column 9, lines 11-15).

Referring to claim 16, Jain discloses an image processing apparatus having a scan function which scans an original, comprising:

- a scanning unit [scanner] constructed to scan the original to generate an input image (see column 10, lines 18-19 and column 9, lines 16-36);

- an input unit constructed to acquire first search information [alpha-numeric query] associated with the input image, wherein the first search information is acquired on the basis of search information input by a user (see column 9, lines 11-15);

- a acquisition unit constructed to search for acquiring feature data [feature vector] contained in the input image as second search information (see column 9, lines 45-48);

- a search unit constructed to search for an original data file corresponding to the input image in a database by using the first [alpha-numeric query] and second [feature vector] search information (see column 9, lines 52-67); and

a conversion unit constructed to convert the input image into data [vector data] and to store the data in the database [database 132] (Jain: see column 9, lines 40-52).

However, Jain fails to explicitly disclose the further limitation of the data being outline data and wherein the outline data indicates a visual representation of a tracing of the outline of a character or a graphic object. Iwane discloses obtaining an input image and then generating image information in order to compare objects (see abstract), including the further limitation of converting the input image into outline data and storing the outline data in the database (see [0244]), wherein the outline data indicates a visual representation of a tracing of the outline of a character or a graphic object (see [0173]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the outlining method of Iwane in order to gather the feature information stored by Jain. One would have been motivated to do so in order to be able to extract features from an image in a case where OCR is not a viable solution (Iwane: see [0010]-[0012]).

However, Jain/Iwane fails to explicitly disclose the further limitation of wherein the original data file is only stored in a case where the original data file corresponding to the input is not found by said search unit; and a unit constructed to decline storing the input image data into the database, in a case that the original data file corresponding to the input image file is found by said search unit. Loui discloses a duplicate detection algorithm to determine whether two pictures are so similar that a consumer would only put one of them in the

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album [database], including the further limitations of wherein the image is only stored in a case where no original data file corresponding to the input image is found by said search unit; and a unit constructed to decline storing the input image data into the database, in a case that the original data file corresponding to the input image file is found by said search unit (see column 4, lines 11-51) since the concept of storing only one copy of an image increases storage efficiency and search efficiency.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the duplicate detection algorithm of Loui with the storage system of Jain/Iwane. One would have been motivated to do since the methodology of Loui can be embodied in any different types of systems (Loui: see column 7, lines 13-24) and since the concept of storing only one copy of an image increases storage efficiency and search efficiency.

The combination of Jain/Iwane and Loui (hereafter Jane/Iwane/Loui) fails to explicitly disclose the further limitations of attempting to detect pointer information from the input image indicating a storage location of an original data file in the database and using the pointer information in a case that the pointer information is detected. Rhodes discloses embedding watermarks into images (see abstract), including the further limitations of attempting to detect pointer information [watermark readers perform this function] from the input image indicating a storage location of an original data file in the database and using the pointer information in a case that the pointer information is detected [carry a pointer or network address to its electronic original] (see [0024] and [0043]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to first attempt to search for a watermark pointing to the location of an original file as disclosed by Rhodes before searching for the file utilizing the search features of Jain/Iwane/Loui. One would have been motivated to do so in order to increase the efficiency and accuracy of the searching process since a pointer links directly to the original file.

Jain/Iwane/Loui/Rhodes fails to explicitly disclose the further limitation of a registration unit for registering the search information input by the user in an index file, wherein the index file of registered search information input by the user is used in a next search for the original data file. Neil discloses image processing (see abstract and Fig 5), including the further limitation of a registration unit registering the information input by the user [text annotation] in an index file [images may be indexed based on visual features, text annotation, assigned subjects or image types] (see column 1, lines 65-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the step of Neil to index the database of Jain/Iwane/Loui/Rhodes. One would have been motivated to do so since it is well-known in the art that the use of an index increases the speed and efficiency of a search while decreasing resource costs.

The combination of Jain/Iwane/Loui/Rhodes/Neil fails to explicitly disclose the further limitation of the index, wherein the index file is used in a next search for the original data file. Liu discloses an image retrieval system that allows a user to specify a query using a combination of keywords and example images

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(see [0018]) including the further limitation of wherein the index file of registered search information input by the user is used in a next search for the original data file [another approach to incorporate additional keywords into the system is to utilize the user's input queries; whenever, the user feeds back a set of images marked as being irrelevant to the query, the input keywords are added into the system and linked with images in the set] (see [0049]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the use of linking user submitted keywords as disclosed by Liu to the index of Jain/Iwane/Loui/Rhodes/Neil. One would have been motivated to do so since it is well-known in the art that the use of an index increases the speed and efficiency of a search while decreasing resource costs.

Referring to claim 19, Jain/Iwane/Loui/Rhodes/Neil/Liu discloses the method according to claim 13, wherein the new pointer information is added as a two-dimensional barcode [digital watermarking] to the original data file (Rhodes: see [0022]).

Response to Arguments

7. Applicant's arguments filed on page 10 of the Remarks in regards to Neil have been fully considered but they are not persuasive. The Applicant argues that Neil fails to teach registering search information by a user in an index file, wherein the index file of registered search information is used in a next search of the original data file. While the examiner agrees that Neil fails to teach the concept of using the registered search information for a next search and has

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introduced Liu to teach this limitation, the examiner disagrees that Neil fails to teach the concept of registering search information in an index file. Neil discloses indexing images based on visual features, text annotation, assigned subjects or image types in see column 1, lines 65-66. The text annotations are considered to represent the search information entered by the user. Therefore, Neil is considered to teach the claimed limitation.

8. Other arguments presented by the Applicant with respect to the prior art rejections of the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY LOVEL whose telephone number is (571)272-2750. The examiner can normally be reached on 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Luke S. Wassum/
Primary Examiner
Art Unit 2167

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Examiner
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9 October 2009
/KL/